



THE CITY OF NEW YORK
LAW DEPARTMENT
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The Honorable Colleen McMahon
 United States Magistrate Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

MEMO ENDORSED

August 5, 2008

8/5/08
 Defendant's motion for an
 enlargement of time to complete
 depositions of defendants is
 granted.

Re: *Alexander Alhovsky v. The City of New York, et al.*, 07 CV 1628 (CM)

Your Honor:

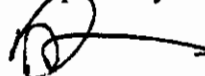
I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for the City of New York, Thomas Ryan, Timothy Gaven, Samuel Panuccio, Timothy Morenzoni, Christopher Paul and Steven Goetz. I write to request a brief enlargement of time to complete the depositions of the defendants from August 22, 2008 to September 12, 2008. Defendants are aware that the Court has stated that it will not grant further extensions of the discovery deadline, but request this brief extension for the following reasons.

As the Court is aware from my July 17, 2008 letter requesting an enlargement of time on behalf of individual officers to answer plaintiff's Second Amended Complaint, Suzette Rivera, the attorney formerly handling this case for the City, has left her employment with this office and the case was recently reassigned to the undersigned. Plaintiff did not serve Notices of Deposition on defendants until Friday, August 1, 2008 at 4:00 p.m. Plaintiff noticed the depositions of seven NYPD officers, six defendants and one non-party witness to be conducted over the span of just three days, August 12-14, 2008. Plaintiff's counsel is amenable to adjusting the scheduled depositions to days and times convenient to the officers and counsel, but that still leaves defendants with little time to meet with all seven officers and produce them for depositions. Although defendants are aware that the Court Ordered that depositions can be held on five days' notice, defendants do not believe it was the Court's intention that seven depositions be scheduled in a three day span, with eleven days' notice.

Defendants are in the process of contacting the officers, one of which is no longer employed by the NYPD, to ascertain their schedules and attempt to schedule meetings with this office and produce them for depositions before the close of discovery. Defendants expect that most, if not all depositions will be completed prior to the discovery deadline. In case there are any officers whose schedule does not permit them to appear for deposition before August 22, 2008, the undersigned begs the Courts' indulgence in granting just a brief extension of the discovery deadline for the limited purpose of completing the deposition of any defendant who is unable to appear before the deadline.

Thank you for your consideration in this matter.

Respectfully submitted,



Dara L. Weiss
Senior Counsel

cc: Robert K. Erlanger (via facsimile)